

REPRINT

SUBSTITUTE FOR

HOUSE BILL NO. 4499

(As passed the House, May 25, 1999)

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 40102 and 40103 (MCL 324.40102 and 324.40103), as amended by 1998 PA 86, and by adding section 40111a; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 40102. (1) "Animals" means wild birds and wild
2 mammals.

3 (2) "Bag limit" means the number of animals that may be
4 taken and possessed as determined by the department.

5 (3) "Bow" means a device for propelling an arrow from a
6 string drawn, held, and released by hand where the force used to
7 hold the string in the drawn position is provided by the archer's
8 muscles.

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1 (4) "Buy" or "sell" means an exchange or attempt or offer to
2 exchange for money, barter, or anything of value.

3 (5) "Chase" means to follow animals with dogs or other wild
4 or domestic animals trained for that purpose.

5 (6) "DEER OR ELK FEEDING" MEANS THE DEPOSITING, DISTRIBUT-
6 ING, OR TENDING OF FEED IN AN AREA FREQUENTED BY WILD,
7 FREE-RANGING WHITE-TAILED DEER OR ELK. DEER OR ELK FEEDING DOES
8 NOT INCLUDE ANY OF THE FOLLOWING:

9 (A) FEEDING WILD BIRDS OR OTHER WILDLIFE IF DONE IN SUCH A
10 MANNER AS TO EXCLUDE WILD, FREE-RANGING WHITE-TAILED DEER AND ELK
11 FROM GAINING ACCESS TO THE FEED.

12 (B) THE SCATTERING OF FEED SOLELY AS THE RESULT OF NORMAL
13 LOGGING PRACTICES OR NORMAL AGRICULTURAL PRACTICES.

14 (C) THE STORAGE OR USE OF FEED FOR AGRICULTURAL PURPOSES IF
15 1 OR MORE OF THE FOLLOWING APPLY:

16 (i) THE AREA IS OCCUPIED BY LIVESTOCK ACTIVELY CONSUMING THE
17 FEED ON A DAILY BASIS.

18 (ii) THE FEED IS COVERED TO DETER WILD, FREE-RANGING
19 WHITE-TAILED DEER OR ELK FROM GAINING ACCESS TO THE FEED.

20 (iii) THE FEED IS IN A STORAGE FACILITY THAT IS CONSISTENT
21 WITH NORMAL AGRICULTURAL PRACTICES.

22 (D) BAITING TO TAKE GAME AS PROVIDED BY AN ORDER OF THE COM-
23 MISSION UNDER SECTION 40113A.

24 (7) ~~(6)~~ "Disability" means a determinable physical charac-
25 teristic of an individual that may result from disease, injury,
26 congenital condition of birth, or functional disorder.

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1 (8) "FEED" MEANS A SUBSTANCE COMPOSED OF GRAIN, MINERAL,
2 SALT, FRUIT, VEGETABLE, HAY, OR ANY OTHER FOOD MATERIAL OR
3 COMBINATION OF THESE MATERIALS, WHETHER NATURAL OR MANUFACTURED,
4 THAT MAY ATTRACT WHITE-TAILED DEER OR ELK. FEED DOES NOT INCLUDE
5 ANY OF THE FOLLOWING:

6 (A) PLANTINGS FOR WILDLIFE.

7 (B) STANDING FARM CROPS UNDER NORMAL AGRICULTURAL
8 PRACTICES.

9 (C) AGRICULTURAL COMMODITIES SCATTERED SOLELY AS THE RESULT
10 OF NORMAL AGRICULTURAL PRACTICES.

11 (9) ~~(7)~~ "Firearm" means a weapon from which a dangerous
12 projectile may be propelled by using explosives, gas, or air as a
13 means of propulsion. Firearm does not include a smooth bore
14 rifle or handgun designed and manufactured exclusively for pro-
15 pelling BB's not exceeding .177 caliber by means of a spring or
16 air or gas.

17 Sec. 40103. (1) "Game" means any of the following animals:

18 (a) Badger.

19 (b) Bear.

20 (c) Beaver.

21 (d) Bobcat.

22 (e) Brant.

23 (f) Coot.

24 (g) Coyote.

25 (h) Crow.

26 (i) Deer.

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- 1 (j) Duck.
- 2 (k) Elk.
- 3 (l) Fisher.
- 4 (m) Florida gallinule.
- 5 (n) Fox.
- 6 (o) Geese.
- 7 (p) Hare.
- 8 (q) Hungarian partridge.
- 9 (r) Marten.
- 10 (s) Mink.
- 11 (t) Moose.
- 12 (u) Muskrat.
- 13 (v) Opossum.
- 14 (w) Otter.
- 15 (x) Pheasant.
- 16 (y) Quail.
- 17 (z) Rabbit.
- 18 (aa) Raccoon.
- 19 (bb) Ruffed grouse.
- 20 (cc) Sharptailed grouse.
- 21 (dd) Skunk.
- 22 (ee) Snipe.
- 23 (ff) Sora rail.
- 24 (gg) Squirrel.
- 25 (hh) Weasel.
- 26 (ii) Wild turkey.

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1 (jj) Woodchuck.

2 (kk) Woodcock.

3 (ll) Virginia rail.

4 (2) "Interim order of the department" means an order of the
5 department issued under section 40108.

6 (3) "Kind" means an animal's sex, age, or physical
7 characteristics.

8 (4) "NORMAL AGRICULTURAL PRACTICES" MEANS GENERALLY ACCEPTED
9 AGRICULTURAL AND MANAGEMENT PRACTICES AS DEFINED BY THE COMMIS-
10 SION OF AGRICULTURE.

11 (5) ~~(4)~~ "Open season" means the dates during which game
12 may be legally taken.

13 (6) ~~(5)~~ "Parts" means any or all portions of an animal,
14 including the skin, plumage, hide, fur, entire body, or egg of an
15 animal.

16 (7) ~~(6)~~ "Protected" or "protected animal" means an animal
17 or kind of animal that is designated by the department as an
18 animal that shall not be taken.

19 (8) "RESIDENCE" MEANS A PERMANENT BUILDING SERVING AS A TEM-
20 PORARY OR PERMANENT HOME. RESIDENCE MAY INCLUDE A COTTAGE,
21 CABIN, OR MOBILE HOME, BUT DOES NOT INCLUDE A STRUCTURE DESIGNED
22 PRIMARILY FOR TAKING GAME, A TREE BLIND, A TENT, A RECREATIONAL
23 OR OTHER VEHICLE, OR A CAMPER.

24 SEC. 40111A. (1) BY SEPTEMBER 1, 1999, THE COMMISSION,
25 AFTER CONSULTATION WITH THE COMMISSION OF AGRICULTURE, SHALL
26 ISSUE IN THE MANNER PROVIDED IN SECTION 40113A AN ORDER

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1 CONCERNING DEER AND ELK FEEDING. THE ORDER SHALL TAKE EFFECT
2 OCTOBER 1, 1999 AND SHALL DO ALL OF THE FOLLOWING IN THE LOWER
PENINSULA:

3 (A) PROHIBIT A PERSON FROM ENGAGING IN DEER OR ELK FEEDING
4 UNLESS THE DEER OR ELK FEEDING IS FOR RECREATIONAL VIEWING
5 PURPOSES.

6 (B) REQUIRE THAT THE FEED BE DEPOSITED OR DISTRIBUTED NOT
7 MORE THAN 100 YARDS FROM THE RESIDENCE OF THE PERSON ENGAGED IN
8 DEER OR ELK FEEDING FOR RECREATIONAL VIEWING PURPOSES ON LAND
9 OWNED OR POSSESSED BY THAT PERSON.

10 (C) ESTABLISH ANY OTHER REASONABLE CONDITIONS FOR DEER AND
11 ELK FEEDING FOR RECREATIONAL VIEWING PURPOSES THAT ARE CONSISTENT
12 WITH THE REQUIREMENTS OF THIS SECTION.

(2) THE ORDER SHALL ESTABLISH CRITERIA FOR DEER FEEDING IN THE
UPPER PENINSULA.

13 (3) NOTWITHSTANDING SUBSECTIONS (1) AND (2), THE COMMISSION,
AFTER
14 CONSULTATION WITH THE COMMISSION OF AGRICULTURE, MAY ISSUE IN THE
15 MANNER PROVIDED IN SECTION 40113A AN ORDER THAT PROHIBITS ALL
16 DEER AND ELK FEEDING IN ALL OR PART OF THIS STATE IF THE COMMIS-
17 SION CONSIDERS THE PROHIBITION TO BE NECESSARY TO PROPERLY MANAGE
18 WILDLIFE POPULATIONS OR TO CONTROL OR ERADICATE DISEASE.

(4) AN ORDER UNDER THIS PART CONCERNING BAITING TO TAKE DEER OR
ELK OR CONCERNING DEER OR ELK FEEDING SHALL NOT, AFTER THE DATE 3
YEARS AFTER THE EFFECTIVE DATE OF THIS SECTION, MAKE A DISTINCTION
BETWEEN THE DEPOSITING OR DISTRIBUTING OF FEED BY HAND AND THE
DEPOSITING OR DISTRIBUTING OF FEED BY A MECHANICAL DEVICE, WHETHER
THE MECHANICAL DEVICE IS OPERATED BY HUMAN POWER OR OTHERWISE.

Enacting section 1. This amendatory act is repealed effective
December 31, 2004.

